

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BEDFORD WASHINGTON,**

**Plaintiff**

**v.**

**GARY FITZSIMMONS,  
Dallas County District Clerk,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 3:10-CV-2539-O-BD**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Recommendation of the United States Magistrate Judge filed on January 10, 2011 in accordance with 28 U.S.C. § 636(b)(1) (ECF No. 6), Plaintiff's Objections thereto (ECF No. 13) and Plaintiff's Amended Complaint (ECF No. 12). After reviewing all relevant matters of record in this case *de novo*, the Court finds that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Plaintiff Bedford Washington filed his original complaint against Defendant Gary Fitzsimmons on December 13, 2010. *See* ECF No. 1. Plaintiff alleged that Defendant breached the Texas and Federal Constitutions by violating his right of access to the courts and sought \$100,000 in damages. *Id.* at 7. The Magistrate Judge recommends summarily dismissing Plaintiff's complaint on the grounds that it is frivolous, fails to state a claim on which relief may be granted, and seeks monetary relief against a defendant immune from such relief. Plaintiff objects that he sufficiently stated a claim for relief, but refers only to conclusory statements of the existence of a constitutional violation without any allegations of fact. Similarly, Plaintiff's amended complaint does not cure the

insufficiency in the original complaint and shows further amendment to be futile.

Accordingly, for foregoing reasons the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the Magistrate Judge.

**SO ORDERED** on this **1st** day of **March, 2011**.

  
\_\_\_\_\_  
**Reed O'Connor**  
**UNITED STATES DISTRICT JUDGE**